

1 Holly M. Simpkins (*pro hac vice*)  
HSimpkins@perkinscoie.com  
2 PERKINS COIE LLP  
1201 Third Avenue, Suite 4900  
3 Seattle, WA 98101  
Telephone: 206.359.8000  
4 Facsimile: 206.359.9000

5 Andrew N. Klein, Bar No. 300221  
AKlein@perkinscoie.com  
6 PERKINS COIE LLP  
3150 Porter Drive  
7 Palo Alto, CA 95130  
Telephone: 650.838.4300  
8 Facsimile: 650.838.4350

9 Attorneys for Plaintiffs  
EPIC GAMES, INC. and EPIC GAMES  
10 INTERNATIONAL S.À.R.L.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13

14 EPIC GAMES, INC., a Maryland  
corporation; and EPIC GAMES  
15 INTERNATIONAL S.À.R.L., a  
Luxembourg Société à Responsabilité  
16 Limitée,

17 Plaintiffs,

18 v.

19 YASH GOSAI, an individual,

20 Defendant.  
21  
22  
23  
24  
25  
26  
27  
28

Case No. 18-cv-00152-CRB

~~PROPOSED~~ FINAL JUDGMENT AND  
PERMANENT INJUNCTION

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

2 1. This is an action for copyright infringement, breach of contract, and conversion.

3 2. Defendant Yash Gosai (“Gosai”), a resident of Auckland, New Zealand, submitted  
4 to the jurisdiction of this Court by submitting a counter notification consenting to the jurisdiction  
5 of this district under the Digital Millennium Copyright Act, 17 U.S.C. § 512.

6 3. This Court has jurisdiction over Plaintiffs Epic Games, Inc. and Epic Games  
7 International, S.À.R.L. (collectively “Epic”) and Gosai as well as the subject matter at issue in  
8 this action.

9 4. Gosai acknowledges that he has reviewed this Final Judgment and Permanent  
10 Injunction, the Stipulation for Entry of Final Judgment and Permanent Injunction, and the  
11 Settlement Agreement and understands their meaning and effect.

12 5. Epic alleges that Gosai created, developed and/or found an exploit for Fortnite’s  
13 Battle Royale game mode; Gosai then created and publicly displayed a video on YouTube to  
14 advertise, demonstrate, and distribute the exploit; Gosai’s video contained gameplay from Epic’s  
15 Fortnite Battle Royale game; and that using the exploit, Gosai obtained Fortnite V-bucks without  
16 paying for them.

17 6. **Judgment.** Based on the Parties’ stipulation, judgment is entered in favor of Epic  
18 and against Gosai on the following causes of action: copyright infringement, breach of contract,  
19 and conversion.

20 7. **Permanent Injunction.** Yash Gosai along with his agents, representatives,  
21 partners, joint venturers, servants, employees, and all those persons or entities acting in concert or  
22 participation with him, shall be and hereby are PERMANENTLY ENJOINED and restrained  
23 from:

- 24 a. imitating, copying, or making any other infringing use or infringing distribution of  
25 Fortnite or any other works now or hereafter protected by any copyright owned by  
26 Epic;

- b. engaging in any other activity that constitutes an infringement of any of Epic's copyrights, or of Epic's rights in, or right to use or exploit its copyrights;
- c. attempting to locate, locating, promoting, and/or distributing exploits in any game, now existing or that is created in the future, developed or published by Epic or its corporate affiliates; and
- d. assisting, aiding, or abetting any other person or entity in engaging in or performing any of the activities referenced in paragraphs 7(a) through 7(c) above.

8. **Future Claims Unaffected.** Nothing in this Final Judgment and Permanent Injunction precludes Epic or Gosai from asserting any claims or rights that arise solely after Gosai's stipulation to this Final Judgment and Permanent Injunction or that are based upon any breach of, or the inaccuracy of, any representation or warranty made by Gosai in the Stipulation for Entry of Final Judgment and Permanent Injunction, the Final Judgment and Permanent Injunction or the Settlement Agreement reached by the Parties.

9. **Claims Against Third Parties Unaffected.** Nothing in this Final Judgment and Permanent Injunction precludes Epic or Gosai from asserting any claims or rights as against any third party.

10. **Non-Appealability.** This Final Judgment and Permanent Injunction is final and may not be appealed by either party.

11. **Rule 65(d).** Gosai waives any objection under Federal Rule of Civil Procedure 65(d) (pertaining to injunctions) to paragraph 7 above.


12. **Dismissal.** The claims in this action against Gosai are dismissed with prejudice.

13. **Fees and Costs.** Each party shall bear its own attorneys' fees and costs.

14. **Retention of Jurisdiction.** The Court shall retain jurisdiction to enforce this Final Judgment and Permanent Injunction.

**PURSUANT TO STIPULATION IT IS SO ORDERED.**

DATED this 1st day of February, 2018

  
\_\_\_\_\_  
Judge Charles R. Breyer  
UNITED STATES DISTRICT COURT JUDGE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28